

JUDGE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	NO. CR04-5460RBL
)	
v.)	
)	
TOBIAS GRACE,)	FIRST FINAL ORDER OF
)	FORFEITURE
Defendant.)	
)	

THIS MATTER comes before the Court on motion of the United States for entry of a First Final Order of Forfeiture with respect to the following real property:

- c. the residence and real property located at 6518 NE 47th Street, in Vancouver, Washington, Lot 1 of Short Plat No. 317 in Book 1 of Short Plats, page 317 lying within the Southeast quarter, in Section 18, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, records of Clark County, Washington. Together with that portion of the Southeast quarter of Section 18, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, lying North of Lot 1, Short Plat No. 317, Book 1, Page 317, South of the South line of Short Plat No. 177, Book 2, page 177, Book 2, page 177 West of N.E. 66th Avenue and East of the Northerly extension of the West line of said lot 1 of Short Plat No. 317, in Book 1, Page 317. Except that portion conveyed to Clark County, Washington, by deed recorded under Auditor's File No. 7806080341, (hereinafter referred to as "the real property").

On January 29, 2009, this Court entered a Preliminary Order of Forfeiture against Tobias Grace forfeiting \$34,500.00 representing proceeds from the sale of a 2003 Hummer H2, VIN 5GRGN23U23H110403; \$868.00 posted with the United States Marshals Service as bond for payment of storage charges incurred with respect to a 2002

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1 Ford Excursion, VIN 1FMSU43F52EA67103¹; the residence and real property located at
 2 6518 NE 47th Street, in Vancouver, Washington; \$6,112.17 representing the cash balance
 3 and proceeds from the sale of securities frozen in Southwest Securities Retirement
 4 Account No. XXXXX4565; \$1,253,709.92 representing the cash balance and proceeds
 5 from the sale of securities frozen in Southwest Securities Account No. XXXX9723;
 6 \$157,488.73 representing the cash balance and proceeds from the sale of securities frozen
 7 in Southwest Securities Retirement Account No. XXXXX1039; \$214,091.00 in United
 8 States currency seized from 6518 NE 47th Street, Vancouver, Washington; \$91,119.28
 9 representing the cash balance and proceeds from the surrender of Northwestern Mutual
 10 Life Insurance Policy No. XXXX8510; \$452,179.48 representing the cash balance and
 11 proceeds from the sale of securities frozen in CyberTrade Account No. XXXXX8049;
 12 \$30,000.00 in United States currency seized from Tobias Grace on or about February 14,
 13 2005; \$21,990.00 frozen in First Independent Bank Account No. XXXXX9997;
 14 \$31,348.55 frozen in Compass Bank Account No. XXXX5725; \$90,000.00 held in the
 15 Trust Account of Attorney Barry Flegenheimer; \$278.83 in Pay Pal Account of Smart
 16 Software, (Toby Grace), tobyg@teleport.com; \$14,258.63 in Pay Pal Account of Seattle
 17 Software, (Toby Grace), Tobyj6@comcast.net;² \$10,931.20 in Primerica IRA account
 18 No. XXXXX8464 (Toby Grace), at Primerica Shareholders Services, PO Box 9662,
 19 Providence, RI 02940-9662; and \$22,578.00 in Brown & Company, IRA account No.
 20 XXXX3350 (Toby Grace) at BrownCo, One Beacon Street, Boston MA 02108-3102.

21 On July 15, 2009, this Court entered an Amended Preliminary Order of Forfeiture
 22 against Tobias Grace forfeiting his interest in the above-referenced assets, in addition to
 23 \$6,858.00 representing the cash balance and proceeds from the sale of securities frozen in
 24 Southwest Securities Retirement Account No. XXXXX4565 \$1,014,43.00 representing

25 ¹This amount was erroneously listed in the Preliminary Order of Forfeiture. This money was the
 26 total cost for the storage of the 2002 Ford Excursion while it was in USMS custody. When the vehicle was returned
 27 to the defendant, he was required to reimburse the USMS for storage costs. Therefore the money was not subject to
 28 forfeiture and the United States is not seeking a Final Forfeiture Order with respect to this asset.

²At the time the Preliminary Order was entered, the two Pay Pal accounts were no longer forfeitable. Therefore the United States
 is not seeking a Final Order of Forfeiture for these assets.

1 the cash balance and proceeds from the sale of securities frozen in Southwest Securities
2 Account No. XXXX9723; and \$118,271.00 representing the cash balance and proceeds
3 from the sale of securities frozen in Southwest Securities Retirement Account No.
4 XXXXX1039.³

5 The above-referenced assets listed in both the Preliminary and Amended Order of
6 Forfeiture were subject to forfeiture pursuant to Title 18, United States Code, Section
7 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18, United States
8 Code, Section 982, based on Tobias Grace's guilty plea to Conspiracy to Traffic in
9 Counterfeit Labels and Computer Program Documentation, in violation of Title 18,
10 United States Code, Section 371, and Trafficking in Counterfeit Labels and Computer
11 Program, in violation of Title 18, United States Code, Section 2318; and Conspiracy to
12 Engage in Money Laundering, in violation of Title 18, United States Code, Section
13 1956(h), and Money Laundering, in violation of Title 18, United States Code, Sections
14 1956(a)(1)(A) and 1957, and his agreement to forfeit the assets including the above
15 specified real property.

16 Pursuant to Title 21, United States Code, Section 853(n), the United States
17 published notice of the Preliminary Order of Forfeiture on an official government
18 forfeiture website, currently www.forfeiture.gov, for thirty (30) days beginning March 12,
19 2009. In the publication the United States published notice of the Preliminary Order of
20 Forfeiture and the intent of the United States to dispose of the real property in accordance
21 with law. This notice further stated that any person other than the defendant having or
22 claiming an interest in the real property was required to file a petition with the Court
23 within sixty (60) days of the first publication of the notice or within thirty (30) days of
24 personal receipt of the notice, setting forth the nature of the petitioner's right, title, and
25 interest in the real property.

26 The United States sent notice to Monica Grace on July 17, 2009, and August 25,
27 2009, via certified mail and regular U.S. mail, see attached Exhibit A (copy of letter and
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³Due to the fluctuation in value of the accounts, the original Preliminary Order incorrectly stated the amounts for these assets.

1 notice and evidence of U.S. mail delivery), of the intent of the United States to forfeit the
2 real property listed in the Notice of Publication in the criminal case filed against Tobias
3 Grace.

4 On July 17, 2009, the United States sent notice via certified mail to First
5 Independent Bank of the intent forfeit the real property listed in the Notice of Publication
6 in the criminal case filed against Tobias Grace. The return receipt indicates delivery to
7 First Independent Bank on July 20, 2009.

8 On July 29, 2009, First Independent Bank filed a Verified Petition Asserting a
9 Claim to Real Property located at 6518 NE 47th Street, Vancouver, Washington (Docket
10 No. 200).

11 On October 28, 2010, the United States and First Independent Bank filed a
12 Stipulated Expedited Settlement Agreement in which the United States and First
13 Independent Bank agreed to compromise and settle Petitioner's claim with respect to the
14 real property located at 6518 NE 47th Street, Vancouver, Washington (Docket No. 229).

15 On October 29, 2009, the Court entered an Order Approving the Stipulated
16 Settlement Agreement (Docket No. 230).

17 All persons and entities believed to have an interest in the assets subject to
18 forfeiture were given proper notice of the intended forfeiture.

19 No other petitioners or claimants have come forth to assert an interest in the
20 forfeited property and the time for doing so has expired.

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1 IT IS ORDERED, ADJUDGED, and DECREED that the following real property
2 is hereby fully and finally condemned and forfeited to the United States in its entirety:

3 c. the residence and real property located at 6518 NE 47th Street, in
4 Vancouver, Washington, Lot 1 of Short Plat No. 317 in Book 1 of Short
5 Plats, page 317 lying within the Southeast quarter, in Section 18, Township
6 2 North, Range 2 East of the Willamette Meridian, Clark County,
7 Washington, records of Clark County, Washington. Together with that
8 portion of the Southeast quarter of Section 18, Township 2 North, Range 2
9 East of the Willamette Meridian, Clark County, Washington, lying North of
10 Lot 1, Short Plat No. 317, Book 1, Page 317, South of the South line of
11 Short Plat No. 177, Book 2, page 177, Book 2, page 177 West of N.E. 66th
12 Avenue and East of the Northerly extension of the West line of said lot 1 of
13 Short Plat No. 317, in Book 1, Page 317. Except that portion conveyed to
14 Clark County, Washington, by deed recorded under Auditor's File No.
15 7806080341.

16 The United States Marshals Service is authorized to dispose of the real
17 property in accordance with the law.

18 DATED this 21st day of January, 2011.

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20 RONALD B. LEIGHTON
21 UNITED STATES DISTRICT JUDGE
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Presented by:

19 s/ Richard E. Cohen
20 RICHARD E. COHEN
21 Assistant United States Attorney
22 United States Attorney's Office
23 700 Stewart Street, Suite 5220
24 Seattle, Washington 98101-1271
25 Telephone: (206) 553-2242
26 Fax: (206) 553-6934
27 Email: Richard.E.Cohen@usdoj.gov
28